

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAFAEL ANTONIO GARAVITO-GARCIA,	:
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Petitioner,	:
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	:
-v-	:
	:
	:
UNITED STATES OF AMERICA,	:
	:
	:
Respondent.	:
-----x	

21 Cv. 1862 (JSR)
ORDER

JED S. RAKOFF, U.S.D.J.

In July 2015, the Court sentenced petitioner Rafael Antonio Garavito-Garcia to 300 months' imprisonment. See 12-cr-839-1, Dkt. No. 109. On August 14, 2020, petitioner, who is incarcerated in the Federal Medical Center, Rochester, in Minnesota, filed the instant petition for a writ of habeas corpus in the United States District Court for the District of Minnesota. Dkt. No. 1. Ground One of the petition alleged that the general counsel of the Federal Bureau of Prison failed "to review the recommendation by the Warden of FMC-Rochester and the Compassionate Release Committee to release petitioner pursuant to [18 U.S.C. § 3582 as] amended by the First Step Act of 2018." Dkt. No. 1. The petition seeks "relief pursuant to 18 USC 3582 Compassionate Release." Id.

Construing Ground One as a motion for compassionate release, Magistrate Judge Katherine Menendez recommended transferring the

petition to this District -- where petitioner was originally sentenced -- "for the limited purpose of considering Ground One." See Order and Report and Recommendation, Dkt. No. 6, at 6, 14. Chief Judge John R. Tunheim adopted Magistrate Judge Menendez's recommendation. Dkt. No. 7. The petition was thereafter assigned to the undersigned.

The representation of the petitioner in the above-captioned matter is assigned to C.J.A. attorney on duty today, March 5, 2021, John Diaz, Esq., for the purposes of supplementing, if deemed necessary, the pro se motion for compassionate release. Counsel for the defense and the Government are directed to jointly call Chambers on Monday, March 8, 2021 at 11:00 a.m. to set up a briefing schedule for the motion.

SO ORDERED.

Dated: New York, NY
March 5, 2021


JED S. RAKOFF, U.S.D.J.